



House of Representatives

General Assembly

File No. 600

January Session, 2007

House Bill No. 6673

House of Representatives, April 26, 2007

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT COMPENSATING JAMES C. TILLMAN FOR HIS WRONGFUL CONVICTION AND INCARCERATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (*Effective from passage*) Notwithstanding the provisions of
- 2 chapter 53 of the general statutes, the Comptroller is directed to draw
- 3 her order on the Treasurer in favor of James Calvin Tillman for the
- 4 sum of five million dollars as full and final settlement of all claims of
- 5 James Calvin Tillman against the state and any political subdivision of
- 6 the state, and any officer, agent, employee or official thereof, including
- 7 claims for loss of liberty and enjoyment of life, loss of income, loss of
- 8 future earnings, physical injury, mental pain and suffering,
- 9 psychological injury and loss of familial relationships, arising out of, or
- 10 in any way related to, his arrest, prosecution, conviction and
- 11 incarceration from 1988 to 2006 for the crimes of kidnapping and
- 12 sexual assault, which crimes he did not commit and which convictions
- 13 were vacated and the charges dismissed on July 11, 2006, provided
- 14 James Calvin Tillman, for and in consideration of the payment of such

15 sum, shall execute a release of liability on behalf of himself and his
16 heirs, successors and assigns, in such form as may be prescribed by the
17 Attorney General, releasing and forever discharging the state of
18 Connecticut and any political subdivision of the state, and any officer,
19 agent, employee or official thereof, from every claim, demand, action,
20 cause of action or liability of whatever nature, whether known or
21 unknown, at law or in equity, and whether under federal, state or
22 common law, which James Calvin Tillman ever had, now has or could
23 have in the future arising out of, or in any way related to, such arrest,
24 prosecution, conviction and incarceration. Any payment received
25 pursuant to this act shall be exempt from the tax imposed under
26 chapter 229 of the general statutes

This act shall take effect as follows and shall amend the following sections:

| | | |
|-----------|---------------------|-------------|
| Section 1 | <i>from passage</i> | New section |
|-----------|---------------------|-------------|

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 07 \$ | FY 09 \$ |
|--|-------------|-----------|----------|
| Comptroller - Adjudicated Claims Account | GF - Cost | 5,000,000 | 0 |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the state to pay \$5,000,000 to James Tillman. It is anticipated that these funds would be drawn from the Comptroller's Adjudicated Claims account. This account, which is not subject to appropriations, is used to pay various costs associated with legal settlements by the state. Any expenditure from this account would reduce the statewide General Fund surplus.

On 4/12/07, the Appropriations Committee earmarked all but \$0.3 million of the \$552.7 million surplus projected for FY 07 by the Office of Fiscal Analysis on 2/2/07. It should be noted that the Comptroller estimated the FY 07 surplus to be \$588.3 million as of 4/2/07 and that the Office of Policy and Management has calculated the FY 07 surplus to be \$628.3 million as of 4/20/07. The Office of Fiscal Analysis will be recalculating the FY 07 surplus during early May 2007.

The Out Years

There is no fiscal impact in the out years since this payment resolves the matter.

OLR Bill Analysis**HB 6673*****AN ACT COMPENSATING JAMES C. TILLMAN FOR HIS
WRONGFUL CONVICTION AND INCARCERATION.*****SUMMARY:**

This bill requires the comptroller to pay James Calvin Tillman \$5 million as full and final settlement of all claims he has against the state and any political subdivision of the state, and any state or local officer, agent, employee or official arising out of, or in any way related to, his arrest, prosecution, conviction and incarceration from 1988 to 2006 for the crimes of kidnapping and sexual assault. The bill specifies that he did not commit these crimes and that the convictions were vacated and the charges dismissed on July 11, 2006. The bill also specifies that the payment covers claims for loss of liberty and enjoyment of life, loss of income, loss of future earnings, physical injury, mental pain and suffering, psychological injury and loss of familial relationships.

The bill requires Tillman to execute a release of liability on behalf of himself and his heirs, successors, and assigns, in whatever form the attorney general requires. The release must discharge the state of Connecticut and any political subdivision of the state, and any officer, agent, employee or official thereof, from every claim, demand, action, cause of action, or liability whether under federal, state, or common law, which he ever had, now has, or could have in the future arising out of, or in any way related to, such arrest, prosecution, conviction, and incarceration.

The bill makes any payment he receives under the bill exempt from the state income tax.

EFFECTIVE DATE: Upon passage

BACKGROUND***Related Legislation***

SB 1456 authorizes payment of compensation to James Calvin Tillman for his wrongful conviction and incarceration from the prize funds attributable to an unclaimed lottery prize ticket in the amount of \$3.5 million. The bill directs that Tillman receive an initial installment of \$500,000, and that he receive the \$3 million balance in annual payments for the rest of his life.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/12/2007)